

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO.: 08-086</b>
<b>V.</b>	*	<b>SECTION: "K"</b>
<b>M&amp;N FOODS, INC.</b>	*	
	*   *   *	

**FACTUAL BASIS**

Should this matter go to trial, the government and the defendant stipulate that the following facts would be established through competent evidence and testimony:

The defendant M & N FOODS, INC. (M & N FOODS”) was a company which manufactured spaghetti sauce and salad dressing for retail sale. M & N FOODS operated out of a building located at 28389 Highway 190, Lacombe, Louisiana. Waste from the food processing plant was supposed to be treated in a small sewerage treatment plant facility (“Facility”) located in the rear of the building. The food waste was then discharged out of the Facility.

Federal and state law required M & N FOODS to have a permit issued by the State of Louisiana, Louisiana Department of Environmental Quality (“LDEQ”), before discharging food waste generated during the cooking process.

In March 1999, M & N FOODS obtained a permit from LDEQ. The permit required that samples be taken every six months of the food-waste and that the results be sent to LDEQ in reports called Discharge Monitoring Reports (DMRs).

On November 28, 2005, LDEQ inspected the Facility and determined that M & N FOODS had not sampled, analyzed, nor forwarded DMR’s to LDEQ for the monitoring periods of 2003, 2004 and the first half of 2005.

After the November 28, 2005 inspection, M & N FOODS immediately filed the missing DMRs with LDEQ. Additionally, M & N hired a consultant to conduct a site evaluation of the Facility. M & N stringently followed all of the recommendations of the consulting firm, which included among other things, the installation of a chlorination chamber, the removal of the content of the food waste by a vacuum truck and the addition of commercial bacteria to the Facility to promote biological activity. M & N paid for dye tests to verify the routing of subsurface piping located at the Facility and made adjustments to the piping as recommended by the consultant. Some recommendations included digging up new piping and placing it at a better angle in order to increase the performance of the Facility. Finally, M & N paid for and installed a brand new treatment plant to replace the old one after the recommendations of the consultants failed to remedy certain permit problems. In addition to the costs of over \$20,000 for the improvements to the Facility, M & N paid the consulting firm approximately \$23, 095.00. Even after buying a new

treatment plant and spending the funds to improve the Facility, in order to insure that no permit violation would occur, M & N hired a vacuum truck to vacuum out the food waste and haul it off for proper disposal.

The corporation, M & N FOODS, Inc., no longer operates in Lacombe, Louisiana. M & N has sold its spaghetti sauce and salad dressing manufacturing retail business to another company which operates in Slidell, Louisiana.

In addition to the above testimony, the government would introduce M & N FOODS' permit, the Compliance Order, the LDEQ report issued based on the November 28, 2005 inspection, the late filed DMR's and the contract with the consultant reflecting the expenditures and corrections to obtain Facility compliance with its permit.

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M & N FOOD PRODUCTS, INC.  
by Kerry Cuccia, its duly authorized  
representative and Agent-in-Fact

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Date

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Kerry Cuccia, Esq.  
Attorney for the defendant

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Date

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DOROTHY MANNING TAYLOR  
Assistant U.S. Attorney

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Date